

# Exhibit C



1           *(The following proceedings were held in open court,*  
2           *with the defendant present, commencing at 11:33 a.m.)*

3           **THE COURT:** This is the matter of the *United States of*  
4           *America versus Hussein Kadhim Abood Khalaf*, Case  
5           Number 22-CR-00062-HEA. This matter is now before the Court  
6           on notice of change of plea.

7           And the parties have provided to the Court a document  
8           entitled "Guilty Plea Agreement," which consists of 14  
9           pages. Let the record further reflect that the defendant  
10          appears with counsel, Mr. Charles Lozano. The government  
11          appears through Mr. Matthew Drake.

12          Mr. Lozano, on behalf of defendant, are you ready to  
13          proceed?

14          **MR. LOZANO:** Yes, Your Honor.

15          **THE COURT:** Mr. Drake, on behalf of the United States,  
16          are you ready to proceed?

17          **MR. DRAKE:** Yes, sir, Your Honor.

18          **THE COURT:** Is there an announcement at this time,  
19          Mr. Lozano?

20          **MR. LOZANO:** Yes, sir. Pursuant to agreement, my  
21          client chooses to withdraw his prior plea of not guilty to  
22          the amended charge, enter a plea of guilty.

23          **THE COURT:** Very well. Would you raise your right  
24          hand, sir, and be sworn in.

25          Madam Clerk, will you administer the oath.

1           **(Defendant sworn by the clerk.)**

2           **THE COURT:** If you could lean into the microphone  
3 there. Thank you.

4           Would you state your full name for the record, please.

5           **THE DEFENDANT:** My name? Hussein Khalaf.

6           **THE COURT:** And did you hear the statement I made at  
7 the beginning of this proceeding?

8           **THE DEFENDANT:** Yes.

9           **THE COURT:** And is that a correct statement of why we  
10 are in court today?

11          **THE DEFENDANT:** Yes.

12          **THE COURT:** And do you understand that, before I can  
13 accept your plea of guilty, there are questions I have to  
14 ask you to be sure your plea is valid? So as we go through  
15 this, if I say something and you don't hear me, let me know  
16 and I'll speak louder. If I say something and you don't  
17 understand me, let me know that and I'll repeat it or  
18 rephrase it. And if you need to speak with your lawyer, let  
19 me know that and I will give you the opportunity to talk  
20 with him. Okay?

21          **THE DEFENDANT:** Yes.

22          **THE COURT:** Also keep in mind that you've taken an  
23 oath to answer all these questions truthfully, which means  
24 your failure to do so could cause the United States to come  
25 back against you with a new indictment for perjury. Okay?

1           **THE DEFENDANT:** Yes.

2           **THE COURT:** Do you have any questions about that?

3           **THE DEFENDANT:** No, Your Honor.

4           **THE COURT:** As I understand it from the filings, the  
5 plea agreement is to be a plea to a charge in the  
6 superseding information to a misdemeanor charge; is that  
7 correct?

8           **THE DEFENDANT:** Yes, Your Honor.

9           **THE COURT:** And that's your understanding?

10          **THE DEFENDANT:** Yes.

11          **THE COURT:** And you've talked about all that with your  
12 lawyer?

13          **THE DEFENDANT:** Yes.

14          **THE COURT:** And so, you understand that the original  
15 charge was a felony, and that charge was brought by the  
16 grand jury hearing evidence in the case. The grand jury  
17 will not hear any further evidence on the charge of the  
18 misdemeanor. Do you understand that?

19          **THE DEFENDANT:** Yes, Your Honor.

20          **THE COURT:** And is that how you want to proceed?

21          **THE DEFENDANT:** Yes.

22          **THE COURT:** Okay. All right. How old are you?

23          **THE DEFENDANT:** I'm 34.

24          **THE COURT:** And how far in school have you gone?

25          **THE DEFENDANT:** I was supposed to graduate this

1 summer, sir, with my Ph.D.

2 **THE COURT:** At St. Louis University?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Okay.

5 **THE DEFENDANT:** I mean, I'm -- they expelled me, so --

6 **THE COURT:** But that's where you were?

7 **THE DEFENDANT:** Yeah. Yes.

8 **THE COURT:** Do you have any difficulty hearing?

9 **THE DEFENDANT:** No, Your Honor.

10 **THE COURT:** Do you have any difficulty speaking or  
11 understanding English?

12 **THE DEFENDANT:** I think I can understand well.

13 **THE COURT:** Okay. Have you understood everything  
14 that's happened up to this point in time?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Okay. Have you taken any type of  
17 medication before coming to court today that might keep you  
18 from understanding what's going on in court today?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** All right. Have you used any alcohol or  
21 drugs before coming to court today?

22 **THE DEFENDANT:** No, Your Honor.

23 **THE COURT:** Have you used any alcohol or drugs within  
24 the last 36 hours?

25 **THE DEFENDANT:** No.

1           **THE COURT:** Have you ever been diagnosed as having or  
2 treated for having any type of mental illness or mental  
3 disease?

4           **THE DEFENDANT:** No, Your Honor.

5           **THE COURT:** Have you ever used or taken any kind of  
6 medication that might typically be used to treat mental  
7 illness or mental disease?

8           **THE DEFENDANT:** No.

9           **THE COURT:** How are you feeling today?

10          **THE DEFENDANT:** I'm feeling good.

11          **THE COURT:** All right. And tell me what it is that  
12 you want to do with your case in court today. What do you  
13 want to do?

14          **THE DEFENDANT:** I want to change my plea to guilty  
15 according to this agreement.

16          **THE COURT:** All right, very good.

17          Do you know of any reason, Mr. Lozano, why the Court  
18 should not conclude your client competent to proceed at this  
19 time?

20          **MR. LOZANO:** No, sir.

21          **THE COURT:** Mr. Drake?

22          **MR. DRAKE:** No, Your Honor.

23          **THE COURT:** All right. Let the record reflect that,  
24 on the examination of the defendant and inquiry of counsel,  
25 the Court now concludes that the defendant is competent to

1 proceed.

2 *(Pursuant to Local Rule 13.05, a bench conference was*  
3 *held on the record and placed under seal; after*  
4 *which, the following proceedings continued in open*  
5 *court:)*

6 **THE COURT:** Now, have you had the opportunity to meet  
7 with your lawyer and talk with him about your case? Have  
8 you talked with your lawyer about your case?

9 **THE DEFENDANT:** Yes, yes.

10 **THE COURT:** And are you satisfied that you've had  
11 enough time to talk with him about your case?

12 **THE DEFENDANT:** No.

13 **THE COURT:** You need more time to talk with him?

14 **THE DEFENDANT:** I mean I -- I just had like one  
15 question about this.

16 **THE COURT:** Is that a question for me or question for  
17 your lawyer?

18 **THE DEFENDANT:** Yes, for you, Your Honor.

19 **THE COURT:** All right.

20 *(Defendant and his counsel confer off the record.)*

21 **THE COURT:** Yes, sir?

22 **THE DEFENDANT:** I'm good to proceed, Your Honor.

23 **THE COURT:** Okay. All right. So that the record is  
24 clear, let me ask that last question again so that there's  
25 no confusion in the record.



1           Mr. Lozano has been your lawyer for sometime. And are  
2 you satisfied that you've had enough time to talk with him  
3 about your case and get advice from him about your case?

4           **THE DEFENDANT:** Yes.

5           **THE COURT:** And have you received advice from him  
6 about your case?

7           **THE DEFENDANT:** Yes.

8           **THE COURT:** Are you satisfied with all the advice that  
9 you've received from him?

10          **THE DEFENDANT:** Yes.

11          **THE COURT:** Has he answered all of your questions  
12 fully, completely, and to your satisfaction?

13          **THE DEFENDANT:** Yes.

14          **THE COURT:** Is there anything that you wanted to know  
15 about your case or anything that you needed to know about  
16 your case that still confuses you? Anything you're still  
17 confused about in your case?

18          **THE DEFENDANT:** Yes.

19          **THE COURT:** All right.

20          *(Defendant and his counsel confer off the record.)*

21          **THE DEFENDANT:** I'm good to proceed.

22          **THE COURT:** Okay. Is there anything about your case  
23 that still confuses you?

24          **THE DEFENDANT:** No.

25          **THE COURT:** Is there anything about your case that you

1 still do not understand?

2 **THE DEFENDANT:** No, Your Honor.

3 **THE COURT:** All right. Were there any witnesses that  
4 you wanted your lawyer to contact that he didn't contact?

5 **THE DEFENDANT:** No.

6 **THE COURT:** Was there any investigation that you  
7 wanted him to do for you that he didn't do?

8 **THE DEFENDANT:** No.

9 **THE COURT:** Was there any information that you wanted  
10 him to get from the government regarding your case that he  
11 didn't get for you?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** Was there anything at all that you wanted  
14 your lawyer to do for you that he refused to do or failed to  
15 do?

16 **THE DEFENDANT:** No.

17 **THE COURT:** Are you fully satisfied with the work of  
18 Mr. Lozano as your lawyer?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** Do you have any complaints against him in  
21 any way as your lawyer?

22 **THE DEFENDANT:** No, Your Honor.

23 **THE COURT:** And do you understand that when you plead  
24 guilty today you are giving up your right to a trial by  
25 jury?

1           **THE DEFENDANT:** Yes, sir, I understand that.

2           **THE COURT:** Do you understand that the Constitution  
3 and laws of the United States guarantees you the right to  
4 have your case decided by a jury of 12 impartial citizens?

5           **THE DEFENDANT:** Yes, sir, I understand that.

6           **THE COURT:** And did you talk about all that with your  
7 lawyer?

8           **THE DEFENDANT:** Yes.

9           **THE COURT:** And as a result of that discussion with  
10 your lawyer and all the other discussions that you've had  
11 with your lawyer, have you now decided that you want to give  
12 up your right to a trial by jury and plead guilty today?

13           **THE DEFENDANT:** Yes, Your Honor.

14           **THE COURT:** All right. Do you understand that if you  
15 did go to trial, you would be presumed innocent, and it  
16 would be the obligation of the United States to present  
17 evidence to prove you guilty beyond -- strike that.

18           Do you understand that if you did go to trial, it  
19 would be the obligation of the United States to present  
20 competent evidence to prove you guilty beyond a reasonable  
21 doubt?

22           **THE DEFENDANT:** Yes.

23           **THE COURT:** And do you understand that you wouldn't  
24 have to put on any evidence to prove yourself innocent or  
25 not guilty?

1           **THE DEFENDANT:** Yes, I understand.

2           **THE COURT:** Do you also understand that, if you went  
3 to trial, you would be able to confront any and all  
4 witnesses that the United States might have against you?

5           **THE DEFENDANT:** Yes.

6           **THE COURT:** And do you understand then that you would  
7 be able to cross-examine those witnesses as they testified  
8 in open court under oath and in front of the jury?

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Do you also understand that at trial you  
11 would be able to object to any and all evidence that the  
12 United States might have against you?

13          **THE DEFENDANT:** Yes.

14          **THE COURT:** And do you also understand that if there  
15 was evidence that you wanted to put on to present in the  
16 trial in your own behalf, you would have the ability to do  
17 that?

18          **THE DEFENDANT:** Yes.

19          **THE COURT:** You understand though that the law doesn't  
20 require to you put on any evidence for any purpose?

21          **THE DEFENDANT:** Yes, I understand.

22          **THE COURT:** Do you also understand that, if you went  
23 to trial, you would be able to testify or not testify?

24          **THE DEFENDANT:** Yes.

25          **THE COURT:** And do you understand that, if you decided

1 that you did not want to testify, the fact that you did not  
2 testify could not be used by anyone for any purpose?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** All right. Do you have any questions so  
5 far?

6 **THE DEFENDANT:** No, Your Honor.

7 **THE COURT:** All right. Do you also understand that,  
8 if you go forward with your plea of guilty today and if I  
9 accept your plea of guilty today, I will enter a judgment  
10 finding you guilty beyond a reasonable doubt and impose a  
11 sentence on some future date?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** And do you understand that whatever  
14 sentence I impose, it is entirely up to me?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** And do you understand that that's true  
17 even though you might have an agreement between yourself and  
18 the government on things that relate to sentencing?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** All right. And, finally, do you  
21 understand that when you plead guilty today it means you are  
22 giving up your right to not incriminate yourself under the  
23 Fifth Amendment of the Constitution of the United States  
24 because you will have to admit the facts that create a basis  
25 for the charge, the charge in the superseding information,

1 as well as admit that charge itself?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** And is that what you want to do today?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Okay. In relation to the charge in the  
6 superseding information, have you had the opportunity to  
7 review that document and talk about it with your lawyer?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** As a result of that, are you satisfied  
10 that you understand everything in the superseding  
11 misdemeanor information charge?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Do you have any questions about that of me  
14 or of your lawyer or Mr. Drake?

15 **(Defendant and his counsel confer off the record.)**

16 **THE DEFENDANT:** No, Your Honor.

17 **THE COURT:** All right. And are you also familiar with  
18 the range of punishment that the charge carries?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Did you talk about that with your lawyer  
21 also?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Mr. Drake, what is the range of punishment  
24 here?

25 **MR. DRAKE:** Your Honor, pursuant to the superseding

1 information that is intended to be filed, the maximum  
2 penalty provided by law is imprisonment of not more than one  
3 year, a fine of not more than \$100, or both such  
4 imprisonment and fine, and the Court may also impose  
5 supervised release of not more than one year.

6 **THE COURT:** Did you hear everything that Mr. Drake  
7 just said?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** And is there anything he said just now  
10 that surprised you in any way?

11 **THE DEFENDANT:** No.

12 **THE COURT:** All right. Is anyone forcing to you plead  
13 guilty today?

14 **THE DEFENDANT:** No, Your Honor.

15 **THE COURT:** Has anyone threatened you to cause you to  
16 plead guilty?

17 **THE DEFENDANT:** No.

18 **THE COURT:** Has anyone promised you anything in  
19 exchange for your plea of guilty?

20 **THE DEFENDANT:** No, Your Honor.

21 **THE COURT:** Has anybody made any threats against any  
22 of your close friends or family members that caused you to  
23 plead guilty today?

24 **THE DEFENDANT:** No.

25 **THE COURT:** Has any -- have any of your family members

1 or close friends threatened you or otherwise forced you to  
2 plead guilty for some reason?

3 **THE DEFENDANT:** No, Your Honor.

4 **THE COURT:** Are you then pleading guilty voluntarily  
5 and of your own free will because that's what you want to do  
6 in this case?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** All right. Now, when we started this  
9 proceeding I made a reference to the Guilty Plea Agreement.  
10 And the last page of the Guilty Plea Agreement shows your  
11 name in print with a signature above the printed name. Is  
12 that your signature?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** And before you signed the Guilty Plea  
15 Agreement, did you talk about it and review it with your  
16 lawyer?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** And as a result of that discussion and  
19 review, are you now satisfied that you understand everything  
20 in the Guilty Plea Agreement?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Do you have any questions about anything  
23 in the Guilty Plea Agreement?

24 **THE DEFENDANT:** No, Your Honor.

25 **THE COURT:** All right. Mr. Drake, would you tell us



1 what the substance of the Guilty Plea Agreement is as  
2 relates to the rights and obligations of the parties.

3 Listen carefully. When he's finished I'll have some  
4 additional questions for you, and then after that we'll talk  
5 about the facts in relation to the charge, and I'll have  
6 questions after that as well.

7 Mr. Drake.

8 **MR. DRAKE:** Yes, Your Honor. Permission to approach  
9 the podium?

10 **THE COURT:** Sure.

11 **MR. DRAKE:** Judge, pursuant to the agreement reached  
12 by the parties, the parties are agreeing that, should the  
13 Court accept the defendant's plea of guilty to the  
14 misdemeanor superseding information, the parties would both  
15 jointly request a sentence of time served to the Court. The  
16 Court is not bound by that recommendation.

17 The United States also agrees that there will be no  
18 further prosecution, federal prosecution, brought in this  
19 district relative to the events that are described in the  
20 underlying indictment as well as the superseding information  
21 of which the government is aware. And the United States  
22 also agrees that, should the Court accept the agreement and  
23 sentence the defendant, to dismiss the underlying  
24 indictment.

25 The parties have agreed to certain facts that are laid

1 out on pages 2 through 6 of the agreement. We've also made  
2 guidelines recommendations that are not binding on the  
3 Court. I won't belabor those now, but the parties have  
4 agreed to recommend that the total offense level is an  
5 estimated offense level of 18, and that regardless of what  
6 that guideline range is, the sentencing recommendation by  
7 the parties would be for time served.

8 Further, as part of the agreement, there is an  
9 appellate waiver by both parties. As to the non-sentencing  
10 issues, the parties waive all rights to appeal the  
11 non-jurisdictional, non-sentencing issues, including matters  
12 related to discovery, pretrial motions, the guilty plea  
13 itself. As far as sentencing issues, if the Court accepts  
14 the parties' recommendation and sentences the defendant  
15 either to time served or within the guidelines, the parties  
16 agree to waive the right to appeal those sentencing issues.

17 The defendant would also be giving up his right to  
18 certain habeas corpus matters, or post-conviction relief  
19 challenges, except for prosecutorial misconduct or  
20 ineffective assistance of counsel.

21 Furthermore, Judge, the parties understand -- we have  
22 made certain understandings or agreements as to the  
23 possibility of detention. The defendant's immigration  
24 status may be affected by the Guilty Plea Agreement. And  
25 there are other matters that are set forth in terms of the

1 defendant's obligations to meet and confer with various  
2 government officials concerning his background and financial  
3 situations.

4 If after pleading guilty, Judge, the defendant engages  
5 in any misconduct, the parties have agreed that the  
6 government may, in its discretion, either proceed with the  
7 agreement or advocate for a different sentencing option  
8 post-plea, Judge.

9 And, with that, I'll stop there, Judge, unless the  
10 Court would like me to go into the factual recitation at  
11 this time.

12 **THE COURT:** No. That's fine.

13 **MR. DRAKE:** Thank you, Judge.

14 **THE COURT:** Did you hear everything that Mr. Drake  
15 just said?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** And is there anything that he said just  
18 now that confused you in any way?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** The Court will then approve of the plea  
21 agreement as outlined on the record.

22 Has anyone given you a promise or prediction about  
23 what your sentence from me is going to be?

24 **THE DEFENDANT:** No, Your Honor.

25 **THE COURT:** So, again, you understand that whatever

1 the sentence is, it is entirely up to me?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** And knowing that, do you still want to go  
4 forward with your plea of guilty here today?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** All right. Mr. Drake, would you tell us  
7 what the evidence would have been if the matter had gone to  
8 trial that would establish a factual basis for the charge,  
9 the relevant conduct of the defendant, and the basis upon  
10 which one might conclude defendant guilty beyond a  
11 reasonable doubt.

12 **MR. DRAKE:** Yes. Thank you, Your Honor.

13 As I mentioned earlier, there's a factual recitation  
14 listed in the plea agreement. It's a number of pages long,  
15 so I won't quote from it directly, but I'll summarize  
16 rather, instead, Judge.

17 As the Court is aware, Mr. Khalaf was a -- here is a  
18 student. He was enrolled as a student, previously as a  
19 student, and I think the defendant mentioned he's been  
20 expelled since then. He was here on a student visa.

21 At the time he was a student, he was working as a  
22 teaching assistant, and he met an individual identified in  
23 the agreement as E.M., and they engaged in a brief  
24 relationship in December of 2020.

25 Shortly after that relationship or during its --

1 during the relationship, E.M. began communicating with  
2 somebody who she recognized as Almazroui on an Instagram  
3 account with the name MOE\_19941. E.M. sent naked pictures  
4 and videos of herself to the user of that account. The user  
5 of that account threatened to disseminate those images and  
6 videos if she did not agree to have sex with the user of the  
7 account.

8 Ultimately, investigators determined that the  
9 MOE\_19941 account was utilizing an IP address, and that  
10 IP address revealed that it was subscribed to by  
11 Hussein Khalaf, the defendant's name, at the defendant's  
12 address at 1 -- or at 7 -- I'm sorry, excuse me, Judge --  
13 4711 Newport Avenue in St. Louis, Missouri, here in the  
14 Eastern District of Missouri.

15 Later a series of -- well, later a single fake  
16 Instagram account was created in E.M.'s name, and the person  
17 who created that account began communicating with E.M. and  
18 said that, because they couldn't hack her real account, they  
19 decided to create a fake one and communicate with her  
20 through that fake account.

21 As the factual recitation goes on, Judge, there were  
22 other Instagram accounts that were created that are  
23 identified in paragraph (e) and (f) of the plea agreement on  
24 page 4. Those accounts then began to demand things of value  
25 of E.M., including having sex with her, also began demanding

1 that she take certain actions and the like. Those accounts,  
2 Judge, ultimately came back to IP addresses that were, once  
3 again, registered in the name -- through Charter  
4 Communications in the name of Mr. Khalaf, the defendant, at  
5 his address on Newport Avenue.

6 Among the communications, Judge, at one point in time  
7 Mr. Khalaf, using those accounts, demanded things of value  
8 of E.M., including at one point in time \$30,000, and also  
9 threatened to have her killed if she would not meet the  
10 communicator's, or Mr. Khalaf's, demands. For instance, as  
11 the plea agreement describes, it says, "I'm going to start  
12 to hurt you now, end your life. I know your location." And  
13 these communications, Judge, took place from December  
14 through February -- December of 2020 through February of  
15 2021.

16 All of the accounts that were used to communicate with  
17 the victim, E.M., came back to Charter Communications and IP  
18 addresses that were subscribed to using -- in the  
19 defendant's name and his address.

20 Ultimately, a search warrant was executed, Judge, at  
21 Mr. Khalaf's residence, and several devices were seized.  
22 Those devices maintained or had on them some of the  
23 communications that were sent to E.M., the victim in this  
24 case, Judge.

25 Mr. Khalaf, the defendant, was interviewed and he

1 admitted that he was the person who was using the MOE\_19941  
2 account, and he also noted that he was involved, at least  
3 partially involved, in the events that are described in the  
4 plea agreement and that I've described to the Court.

5 In summary, Judge, the defendant demanded a thing of  
6 value, namely currency and sex from E.M., a thing of value,  
7 and he did so under the threat of informing or not informing  
8 against her, meaning the release of the images and videos  
9 that she had previously sent to the accounts, Judge.

10 **THE COURT:** Thank you.

11 **MR. DRAKE:** Thank you, Judge.

12 **THE COURT:** Did you hear all those facts?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And are all those facts true and correct?

15 **THE DEFENDANT:** Substantial true.

16 **THE COURT:** Do you then agree and admit that you  
17 knowingly demanded or received a thing of value?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Do you also agree and admit that you did  
20 so under a threat of informing or as consideration for not  
21 informing against a violation of a law of the United States?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** How do you plead to the charge?

24 **THE DEFENDANT:** Guilty.

25 **THE COURT:** Do you know of any reason why the Court

1 should not accept your client's plea of guilty, Mr. Lozano?

2 **MR. LOZANO:** No, Your Honor.

3 **THE COURT:** Mr. Drake?

4 **MR. DRAKE:** No, Your Honor.

5 **THE COURT:** Let the record then reflect that the Court  
6 will enter its order, findings, and judgment that the  
7 defendant is entering his plea of guilty knowingly,  
8 voluntarily, and of his own free will, with full  
9 understanding of the nature and consequences of his plea of  
10 guilty; and, furthermore, that he's knowingly and  
11 voluntarily waiving his right and all rights therein to a  
12 trial by jury. Further finding that the defendant is fully  
13 cognizant of the range of punishment applicable to the  
14 charge, the Court now accepts defendant's plea of guilty and  
15 enters its judgment finding the defendant guilty beyond a  
16 reasonable doubt.

17 A presentence investigation report will be ordered.  
18 Sentencing is going to be set for March the 2nd at 10:45 in  
19 the morning.

20 Anything further, Mr. Lozano?

21 **MR. LOZANO:** Yes, Your Honor. If I may approach.

22 Two things. First of all, I'm requesting that  
23 Mr. Khalaf be released on bond pending sentencing. The  
24 recommendations of the -- of both the U.S. Attorney's Office  
25 and myself are for time served. He's already spent ten



1 months almost. And, in addition, he is going to be  
2 petitioning St. Louis University to remain as a student, and  
3 so that would assist him in being able to do those things.

4 So I believe they're already in possession of his  
5 passport. And, of course, he has nothing to gain by trying  
6 to flee at this point, so I'd request he be released on bond  
7 at this point.

8 Second was that I promised him that he could ask a  
9 couple of questions that were not related to the plea  
10 itself, and that was why we were having that dialogue.  
11 Again, I'd like to ask for him to be released today.

12 **THE COURT:** You'd like to --

13 **MR. LOZANO:** Ask him to be released today on bond.

14 **THE COURT:** Mr. Drake?

15 **MR. DRAKE:** Thank you, Your Honor.

16 Mr. Lozano's correct that the government does not have  
17 any objection to the defendant's request for release. Our  
18 understanding is that the defendant has been in custody for  
19 approximately 10 months. As the Court is well aware, the  
20 statutory max on this penalty -- or for this crime is 12  
21 months, so I think our recommendation of time served and  
22 should he be released is an appropriate one, Judge. Thank  
23 you.

24 **THE COURT:** All right. Anything else, Mr. Lozano?

25 **MR. LOZANO:** Not from me, Your Honor.

1           **THE COURT:** Okay. I think -- Mr. Lozano, stop at  
2 pretrial release on your way out of the building. If you  
3 have any questions they'll give me a call and we'll go from  
4 there on the bond issue.

5           **MR. LOZANO:** Okay, Your Honor.

6           **THE COURT:** All right? Is there anything else that  
7 you had, Mr. Khalaf?

8           **THE DEFENDANT:** The question that I had -- I know with  
9 accepting this agreement today, it's kind of like to be on  
10 my records if -- that I plead guilty and everything. And I  
11 was wondering if the Court decide like, say, to release me  
12 on bond or something, I can go to St. Louis University to  
13 just appeal my expel from them. I was wondering if there is  
14 a way or -- I don't know how it's going to happen, but like  
15 to seal my record and to like -- I can just solve this issue  
16 with them, or not possible?

17          **THE COURT:** I don't think so. Anything else?

18          **MR. LOZANO:** No, sir.

19          **THE DEFENDANT:** That's it, Your Honor.

20          **THE COURT:** All right.

21          **MR. LOZANO:** I'll go downstairs.

22          **THE COURT:** We'll see you on March 2nd, Mr. Khalaf.  
23 And you'll go downstairs and chat with the pretrial release,  
24 Mr. Lozano, and we'll go from there. Okay?

25          **MR. LOZANO:** All right. Thank you.

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**THE COURT:** Thank you. We'll be in recess.

***(Proceedings adjourned at 12:01 p.m.)***

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1 **REPORTER'S CERTIFICATE**

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3 I, Laura A. Esposito, Registered Professional Reporter  
4 and Certified Realtime Reporter, hereby certify that I am a  
5 duly appointed Official Court Reporter for the United States  
6 District Court for the Eastern District of Missouri.

7 I further certify that the foregoing is a true and  
8 accurate transcript of the proceedings held in the  
9 above-entitled case, that said transcript contains pages 1  
10 through 26, inclusive, and was delivered electronically.  
11 This reporter takes no responsibility for missing or damaged  
12 pages of this transcript when same transcript is copied by  
13 any party other than this reporter.

14 Dated at St. Louis, Missouri, this 1st day of February  
15 2023.

16  
17 *Laura A. Esposito*  
18 Laura A. Esposito, RPR, CRR, CRC  
19 Official Court Reporter  
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